

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GARY E. HAWES,

Plaintiff

Case No. 3:23-cv-00357-ART-CLB

ORDER

v.

STATE OF NEVADA, et al.,

Defendants

On July 17, 2023, pro se plaintiff Gary E. Hawes, an inmate in the custody of the Nevada Department of Corrections, submitted a civil-rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

It is therefore ordered that Plaintiff has **until Monday, October 2, 2023** to either pay the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis*

1 with all three required documents: (1) a completed application with the inmate's two
2 signatures on page 3, (2) a completed financial certificate that is signed both by the
3 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
4 statement for the previous six-month period.

5 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
6 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
7 refile the case with the Court, under a new case number, when he can file a complete
8 application to proceed *in forma pauperis* or pay the required filing fee.

9 The Clerk of the Court is directed to send Plaintiff Gary E. Hawes the approved
10 form application to proceed *in forma pauperis* for an inmate and instructions for the same
11 and retain the complaint (ECF No. 1-1) but not file it at this time.

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13 DATED THIS 2nd day of August 2023.

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15 UNITED STATES MAGISTRATE JUDGE
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